

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-7 and 14-18 have been canceled without prejudice or disclaimer of the subject matter contained therein. No claims have been added. Thus, claims 8-13 are pending in the present application, of which claims 8, 10, and 12 are independent.

The claim amendments are believed to raise new issues requiring further search and/or consideration. Thus, this response is filed concurrently with a Request for Continued Examination.

Noted - Priority Document Received By USPTO

The indication (see the Office Action Summary mailed October 29, 2007, boxes 12(a)(1) are checked) that the certified copy(ies) of the priority document(s) has been received by the USPTO is noted with appreciation.

Noted – Information Disclosure Statements Considered

The indication (see Examiner-initialed PTO 1449s mailed with Office Action dated October 29, 2008 and June 6, 2008) that the Information Disclosure Statements as filed on February 11, 2004 and March 17, 2008 and references listed therein have been considered is noted with appreciation.

Noted - Drawings Approved

The indication (see page 2 of Office Action dated June 6, 2008) that the Drawings (submitted on February 11, 2004 and March 31, 2008) have been approved is noted with appreciation.

Claim Rejection Under 35 U.S.C. §102

Claims 10 and 11 are rejected under 35 U.S.C. §102(e) as being anticipated by US. Pub. No. 2003/0101450 A1 to Davidson et al. (hereinafter "Davidson").

INDEPENDENT CLAIM 10

As an example, independent claim 10 recites (among other things) the following features:

preparing a message display database storing a display position for a keyword at a streaming server, the keyword being first text data which is frequently appearing or interesting to viewers, and the display position being set according to a meaning of the keyword.

As will be explained below, at least these features of claim 10 provide distinctions over Davidson.

Davidson discloses in Figure 4 that name tags are displayed close to avatar images. However, Davidson does not disclose a message display database, which stores a display position for a keyword. Further, Davidson does not disclose the keyword is text data which is frequently appearing or interesting to viewers. Still further, Davidson does not disclose that when a keyword is contained in the collected text data, a display position is set according to the meaning of the keyword. Rather, FIG. 4 and paragraph [0032] of Davidson merely indicate that text data may be located close to an avatar that has typed the text data. There is no indication in Davidson that the meaning of the text data is considered. Hence, the noted features of claim 10, namely "preparing a message display database storing a display position for a keyword at a streaming server, the keyword being first text data which is frequently appearing or interesting to viewers, and the display position being set according to a meaning of the keyword," provides distinctions over Davidson.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. In view of the distinctions of claim 10 noted above, at least one claimed element is not present in Davidson. Hence, Davidson et al. reference does not anticipate claim 10.

Claims 11 depends from claim 10, and so at least similarly distinguish over Davidson et al. reference. Hence, Davidson et al. reference also does not anticipate claim 11.

In view of the foregoing discussion, the rejection of claims 10-11 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 8-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of US. Pat. No. 5,929,927 to Rumreich et al. (hereinafter "Rumreich"), and claims 12-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Davidson in view of US. Pub. No. 2002/0103917 to Kay et al. (hereinafter "Kay").

INDEPENDENT CLAIM 8

As an example, amended independent claim 8 recites (among other things) the following features:

presetting a maximum amount of text data which can be displayed on a screen at one time and storing the same in a streaming server; ...
counting the collected text data and storing the same in the streaming server.

As will be explained below, at least these features of claim 8 provide distinctions over each of Davidson and Rumreich, and thus over their combination.

The Office Action admits that Davidson fails to disclose determining the display time for the collected text data based on the count of the collected text data and the maximum amount of text data which can be displayed on the screen at a time. Hence, the noted features of claim 8, namely, "presetting a maximum amount of text data which can be displayed on a screen at one time and storing the same in a streaming server, and counting the amount of the collected text data and storing the same in the streaming server," provide distinctions over Davidson.

Rumreich recites the following.

When two full rows of text fill the caption window (home position), the scroll function pauses and thereafter scrolls a new line of text into the window. This pause at the home position is modulated to increase or decrease its duration depending on the buffer fullness.

There is no indication in Rumreich that a number of the text is being tracked or that a number of the text that can be displayed is preset. Hence, at least the noted features of amended claim 8, namely "presetting a maximum amount of text data which can be displayed on a screen at one time and storing the same in a streaming server; ... counting the amount of collected text data and storing the same in the streaming server," provide distinctions over Rumreich.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinctions of claim 8 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 8. Claim 9 depends from claim 8, and so at least similarly distinguishes over the asserted combination of references.

INDEPENDENT CLAIM 12

As an example, independent claim 12 recites (among other things) the following features:

preparing a response message database storing first text data for a keyword at a streaming server, the keyword being second text data which is frequently appearing or interesting to viewers, and the first text data having a meaning different from third text data and being superimposed at a same time with the third text data.

As will be explained below, at least these features of claim 12 provide distinctions over each of Davidson and Kay, and thus over their combination.

Regarding Davidson, the Office Action does not rely on Davidson to disclose a streaming server superimposes text data along with other collected text data at the same time according to the meaning of one of the collected text data. Further, as

noted above in the traversal of the 35 U.S.C. § 102 rejection, Davidson does not disclose the keyword is text data which is frequently appearing or interesting to viewers.

The Office Action relies on Kay to cure the above-noted deficiencies of Davidson. Regarding Kay, the Office Action asserts the following.

(Abstract of Kay discloses a system for interactively responding to queries (collected text data) from a user sending messages, the query is interpreted and appropriate action (according to the meaning) is taken. The answer is formatted and returned to the user as an instant message.

However, Kay, like Davidson, does not specifically disclose storing keywords frequently appearing or interesting to viewers of moving image content being streamed by the streaming server since Kay is only related to instant messaging. Further, Kay, like Davidson, also fails to disclose or suggest that first text data is superimposed with other text data on a display with moving image content at the same time. Rather, Kay merely describes responding to a query. Hence, at least the noted features of claim 12, namely "preparing a response message database storing first text data for a keyword at a streaming server, the keyword being second text data which is frequently appearing or interesting to viewers, and the first text data having a meaning different from third text data and being superimposed at a same time with the third text data," also provide distinctions over Kay.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinctions of claim 12 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 12. Claim 13 depends from claim 12, and so at least similarly distinguishes over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 8-9 and 12-13 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

PATENT

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Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: November 6, 2008

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